



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,801	01/02/2004	James A. Mulvihill	045373883.00074	1822
35374 7590 05/16/2007 LEAR CORPORATION, BLISS MCGLYNN, P.C. 2075 WEST BIG BEAVER ROAD SUITE 600 TROY, MI 48084			EXAMINER OLSON, MARGARET LINNEA	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,801	<b>Applicant(s)</b> MULVIHILL, JAMES A.	
	<b>Examiner</b> Margaret L. Olson	<b>Art Unit</b> 3782	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,3,5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 4-5, it is not clear whether "attachment to the corresponding side walls" refers to a device that must be attached to both walls simultaneously or a device that may be attached to each wall individually, rendering the scope of the claim impossible to determine.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 2,965,344) in view of Hynes (US 4,196,880). To the extent claim 1 is understood, Baker discloses a storage system for use in a vehicle that could be attached to either of the corresponding sidewalls near the front wall and opening of a

Art Unit: 3782

trunk with a plate 7 with a pair of hinge mounts at 8. When in the stowed position, it could be attached to the sidewall of a trunk at the front wall. Plate 7 is adapted with plate 14 to attach to a wall or edge of a vehicle interior (column 2, lines 36-50) with a spring 15. A frame 1/3 is operatively mounted to the hinge sections 8 that can be rotated between a deployed position and a stowed position (partial rotation shown in figure 2). A storage pouch 22 is supported by the frame (figure 1; figure 5). The frame rotates upward about the hinge 8 as the storage pouch is open (position shown in figure 1) and downward about the frame so that the bag bends and folds into a stowed position. Baker does not disclose a frame that is expandable. Hynes teaches a frame 18 in two parts for supporting a bag (figure 1). The frame attaches at a double sleeve 26, into which both sides of the frame may be slid as close together or as far apart as needed to support the appropriate-sized bag. It would have been obvious to one of ordinary skill in the art to make both frames 1 and 3 of Baker telescoping with double sleeves as taught by Hynes in order to allow the frame to support flexible bags of different sizes (Hynes, column 1, lines 56-59).

With respect to claim 2, the primary reference Baker discloses that the frame 1/3 is made of a rigid material (column 1, lines 66-69; column 3, lines 23-28). The frame of Hynes is also of rigid material (column 3, lines 1-2).

With respect to claim 3, the primary reference Baker discloses that the storage pouch is a flexible material (column 2, lines 1-5).

With respect to claim 5, the primary reference Baker discloses that the storage pouch is flexibly attached to the frame (column 2, lines 1-5).

5. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 2,965,344) in view of Hynes (US 4,196,880) and further in view of Metivier (US 5,253,913). To the extent claim 1 is understood, Baker discloses a storage system for use in a vehicle that could be attached to either of the corresponding sidewalls near the front wall and opening of a trunk with a plate 7 with a pair of hinge mounts at 8. Plate 7 is adapted with plate 14 to attach to a wall or edge of a vehicle interior (column 2, lines 36-50) with a spring 15. A frame 1/3 is operatively mounted to the hinge sections 8 that can be rotated between a deployed position and a stowed position (partial rotation shown in figure 2). A storage pouch 22 is supported by the frame (figure 1; figure 5). The frame rotates upward about the hinge 8 as the storage pouch is open (position shown in figure 1) and downward about the frame so that the bag bends and folds into a stowed position. Baker does not disclose a frame that is expandable. Hynes teaches a frame 18 in two parts for supporting a bag (figure 1). The frame attaches at a double sleeve 26, into which both sides of the frame may be slid as close together or as far apart as needed to support the appropriate-sized bag. It would have been obvious to one of ordinary skill in the art to make both frames 1 and 3 of Baker telescoping with double sleeves as taught by Hynes in order to allow the frame to support flexible bags of different sizes (Hynes, column 1, lines 56-59). Baker as modified by Hynes does not disclose that the frame may attach to both sidewalls of a trunk space simultaneously. Metivier teaches a frame 37 that attaches to both sidewalls of a trunk space near the front wall 14 and opening of the trunk (figure 1; figure 2) with two hinges 32. It would have been obvious to one of ordinary skill in the art at the time

of invention to attach the hinges 8 of Baker as modified by Hynes to the opposite sidewalls of a trunk space simultaneously in order to create a cargo storage area encompassing the length of the trunk

With respect to claim 2, the primary reference Baker discloses that the frame 1/3 is made of a rigid material (column 1, lines 66-69; column 3, lines 23-28). The frame of Hynes is also of rigid material (column 3, lines 1-2).

With respect to claim 3, the primary reference Baker discloses that the storage pouch is a flexible material (column 2, lines 1-5).

With respect to claim 5, the primary reference Baker discloses that the storage pouch is flexibly attached to the frame (column 2, lines 1-5).

### ***Response to Arguments***

6. Applicant's arguments filed 3/6/07 have been fully considered but they are not persuasive. Applicant objects to the combination of Baker and Hynes because he states it would eliminate the sides of the base and outer frames of Baker 1 and 3. This is not the case, since the sides of the outer frames may be jointed by the teachings of Hynes without eliminating the sides of the frames. The combination of Baker as modified by Hynes meets all the structural limitations of the claims, and also may be attached to either of ~~both~~ <sup>the</sup> side walls while still being stowed at the front wall of the trunk. With the addition of the teachings of Metivier, they may be attached to both sidewalls simultaneously and stowed at the front wall of the trunk. Both possible meanings of the indistinct claim 1 have been considered and rejected in this action.

NJM  
5-14-07

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kmita et al. (US 6,467,663), Fumi (JP 2000-153739), Donck et al. (EP 0968876A1), and Kern (US 5,452,875), all disclose similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER